

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 28, 2006

**D048839      Rubio v. Superior Court of Imperial County/People**

The petition is denied.

**D049247      7-Eleven Inc., et al. v. Jolly/Alcoholic Beverage Control Appeal Board**

The petition is denied.

**D049246      7-Eleven Inc., et al. v. Jolly/Alcoholic Beverage Control Appeals Board**

The petition is denied.

**D049256      Paulino A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The notice of intent and the petition are untimely. The case is accordingly dismissed.

**D049270      Villasenor v. Superior Court of San Diego County/People**

The petition is denied.

**D049017      Jose C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Jose C. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 29, 2006

**D046251      People v. Freeman**

The petition for rehearing is denied.

**D049091      Linda M. v. The Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

The petition for writ of supersedeas is granted. Enforcement of the July 17, 2006 order removing the minor from placement with his mother is stayed pending resolution of the appeal.

**D048819      In re McElroy on Habeas Corpus**

The petition is denied.

**D047929      In re Sean B. Jr., a Juvenile**

The orders are reversed. The court is directed to require the Agency to comply with the notice requirements of the ICWA. If after proper notice a tribe exercises its right to intervene, the court is directed to hold a new dispositional hearing. If a tribe does not exercise a right to intervene, the court is authorized to reinstate the orders. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

**D047632      People v. Mathers**

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

**D048411      Insurance Company of the West v. Merrill Schultz & Wolds Limited**

The appeal filed March 30, 2006, is dismissed pursuant to California Rules of Court, rule 20(a)(4).

**D047553      People v. Woslum**

Rehearing is granted on the court's own motion in the opinion filed on August 4, 2006, for the purpose of receiving Appellant's supplemental brief. Supplemental briefs shall be filed within 30 days of this order. The case will be submitted at the completion of supplemental briefing. Appellant's petition for rehearing is denied.

**D049025      Drews v. Superior Court of San Diego County/People**

The petition is denied.

**D047777      Hazard Center Associates et al. v. City of San Diego**

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
August 30, 2006

**D049012 Flores et al. v. The Superior Court of San Diego County/Mardoum et al.**  
The petition is denied.

**D048820 In re T.B. et al., Juveniles**  
The appeal is dismissed. McDonald, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D048310 In re T.W., a Juvenile**  
The appeal is dismissed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D048335 In re I.H. et al., Juveniles**  
The judgments are affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D048634 In re D.R., a Juvenile**  
The appeal is dismissed. Aaron, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D047083 Gregory v. Sprint Spectrum L.P.**  
Order affirmed. Sprint to bear Gregory's costs on appeal. Haller, Acting P.J.;  
We Concur: McDonald, J., McIntyre, J.

**D048428 People v. Brown**  
The judgment is affirmed. Huffman, Acting P.J., We Concur: Haller, J., Aaron, J.

**D048536 In re Leilani T., a Juvenile**  
The appeal is dismissed. Haller, Acting P.J.; We Concur: Aaron, J., Irion, J.

**D046869 Miletich et al. v. Travelers Property Casualty Insurance Company et al.**  
The judgment is reversed as to the Miletichs' claim for general negligence and is otherwise affirmed. McKibban is awarded his costs on appeal. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D046424 White v. FAV, Inc.**  
The judgment is affirmed. FAV is entitled to costs on appeal. McConnell, P.J.;  
We Concur: Haller, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 30, 2006 (Continued)

**D048461      Jorgelina E. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**

Let a writ issue directing the superior court to vacate its finding under section 300, subdivision (f) and order denying reunification services for Jorgelina and setting a section 366.26 permanency planning hearing, and enter a new order providing her with six months of reunification services. (§§ 361.5, subd. (a); 16501; 16501.1; see also *In re Dino E.* (1992) 6 Cal.App.4th 1768, 1776-1779). The stay issued July 21, 2006, is vacated. This decision is final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3)). McDonald, J.;  
We Concur: Benke, Acting P.J., O'Rourke, J.

**D049272      Renko v. The Superior Court of San Diego County/Barrett Justin Covington et al.**

The petition is denied.

**D048787      In re Cleveland on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 31, 2006

**D048367      People v. Daniels**

The judgment is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D049084      Shannon T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Shannon T. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

**D048270      Walker v. Ryan et al.**

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., Aaron, J.

**D047624      Hobbs v. Hensley et al.**

The judgment is reversed. McIntyre, J.; We Concur: Benke, Acting P.J., Haller, J.

**D047417      People v. Washington**

The judgment is reversed insofar as it sets forth custody credits relating to case number SCD170395 and is otherwise affirmed. The matter is remanded with directions to the trial court to enter an amended abstract of judgment specifying that Washington is entitled to 1,351 days in sentencing credits as to case number SCD170395. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

**D049116      Union Pacific Railroad Company v. Superior Court of San Diego County/Dawkins**

At the request of the petitioner, the petition for writ of mandate is dismissed.

**D048532      People v. Long**

**D048737      People v. Long**

**D048738      People v. Long**

**D048739      People v. Long**

Appellant's unopposed motion to consolidate the above case numbers is granted. All future filings will be under D048532. Appellant's opening brief is due within 30 days from the date of this order.

**D049289      In re Charly G., a Juvenile**

This matter has been reviewed by Justices McDonald, McIntyre and O'Rourke. The "amended" notice of appeal from the May 24, 2006 order, filed on August 25, 2006 by appellants appointed counsel, is untimely. The appeal from the May 24, 2006 order is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 31, 2006 (Continued)

**D046447      People v. Garcia**

**D047820      In re Garcia on Habeas Corpus**

The pending petition for writ of habeas corpus, In re Felipe Garcia, D047820, is consolidated with the pending appeal, People v. Felipe Garcia, D046447, for disposition.

**D046447      People v. Garcia**

**D047820      In re Garcia on Habeas Corpus**

(Consolidated) In case No. D046447 the judgment is affirmed. In case No. D047820 the petition is denied. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D047115      American Meat Institute et al. v. Leeman**

The order appealed from is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D049082      Denise O. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

**D049054      Christopher M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Christopher M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case as to Christopher M. is dismissed.

**D049064      Shannel A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

No timely petition for writ relief has been filed on behalf of petitioner Tyrone C. His notice of intent is deemed to be abandoned. The case as to Tyrone C. is dismissed.

**D048811      Katz v. Superior Court of San Diego County/Lidak Pharmaceuticals, Inc.**

The petition is denied.

**D048599      Dumlao v. Superior Court of San Diego County/Giurbino**

Let a writ of mandate issue directing the superior court to vacate its order denying Dumlao's petition for writ of habeas corpus, to discharge the OSC as improvidently issued, and to transfer the petition to the Alameda County Superior Court for further proceedings. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3)).